United Nations CCPR/C/LAO/Q/1

International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the initial report of the Lao People's Democratic Republic*

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Please provide information on the practical application of the provisions of the Covenant in the domestic legal system, including examples of cases in which the provisions of the Covenant have been referred to by national courts. Please also report on specific training on the Covenant for government officials, members of the National Assembly, prosecutors, judges and lawyers.

2. Please indicate whether consideration has been given to: (a) withdrawing the reservation to article 22 of the Covenant that makes the application of that provision subject to national laws; (b) reviewing the interpretative declarations concerning articles 1 and 18 of the Covenant with a view to withdrawing them.

3. Please clarify whether any measures have been taken towards establishing a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

Non-discrimination and gender equality (arts. 2, 3 and 26)

4. Please indicate whether any steps have been taken to adopt comprehensive anti-discrimination legislation that, inter alia, addresses discrimination in the private sphere; prohibits all direct and indirect discrimination and multiple forms of discrimination; contains a comprehensive list of prohibited grounds for discrimination, including race, colour, sex, political or other opinion, property, birth, sexual orientation, gender identity and other status; and provides for effective remedies in judicial and administrative proceedings.

5. Please clarify whether hate speech is prohibited by law and whether measures have been taken: (a) to outlaw organizations and organized or any other propaganda activities that promote and incite racial discrimination and hate speech; and (b) to recognize racist motives as a general aggravating circumstance for all offences and crimes.

6. Please provide information on the impact of policies, strategic plans and workplans referred to in the State party's report (see CCPR/C/LAO/1, para. 20) on achieving gender equality in practice, including on eradicating stereotypes regarding the role of women in the family and in society. Please also report on additional measures taken to enhance the representation of women in public and political life, including in legislative and executive bodies, especially in decision-making positions.

* Adopted by the Committee at its 121st session (16 October–10 November 2017).

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States of emergency and counter-terrorism measures (arts. 2, 4, 7, 9 and 14)

7. With reference to paragraphs 34–35 of the State party's report (CCPR/C/LAO/1), please provide further information on the compliance of the existing regulations governing states of emergency with article 4 of the Covenant, clarifying in particular whether derogations from non-derogable provisions of the Covenant during states of emergency are explicitly prohibited. Please also: (a) report on the counter-terrorism legal framework, including the definition of terrorism and terrorist activities and the legal safeguards for persons suspected of or charged with a terrorist or related crime; and (b) clarify whether the State party plans to adopt a specific law on countering terrorism.

Violence against women (arts. 2, 3, 6, 7 and 26)

8. Please report on any additional measures taken to combat violence against women, including domestic violence, particularly regarding: (a) encouraging reporting of cases of domestic violence and raising awareness among women about their rights and existing avenues for seeking assistance and protection; (b) training of relevant officials on legal provisions, detection and proper handling of such cases; (c) prompt and effective investigation of cases of violence against women, appropriate punishment of perpetrators and provision of adequate remedies to victims (please provide relevant statistics on the number of complaints, investigations, prosecutions and convictions, as well as information on sentences handed down and compensation granted to victims). Please also provide information on the status of the amendments to the Criminal Code aimed at criminalizing marital rape (see CCPR/C/LAO/1, para. 32).

Right to life (arts. 6, 7, 9 and 14)

9. Please indicate whether measures are being taken towards the abolition of the death penalty. Please clarify whether: (a) an official moratorium on executions is in place; and (b) the imposition of the death penalty is automatic and mandatory for certain categories of crimes. Pending the abolition of the death penalty, please report on progress made in undertaking a comprehensive review of relevant legislation to ensure that the death penalty may be imposed only for the most serious crimes, as prescribed in article 6 (2) of the Covenant, that is, only for crimes of extreme gravity involving intentional killing. Please indicate the number of persons currently under sentence of death.

10. Please clarify whether relevant criminal legislation defines and criminalizes all acts of enforced disappearance in accordance with international human rights standards and provides for penalties commensurate with the seriousness of the offence. Please report on measures taken to conduct prompt, thorough and impartial investigations into all cases of alleged enforced disappearances and to bring those responsible to justice, including on the progress achieved in investigating the enforced disappearance of human rights defender Sombath Somphone on 15 December 2012, and of 12 other activists who have allegedly been subjected to enforced disappearance. Please also provide information on the fate and whereabouts of Kha Yang, a Lao ethnic Hmong, arrested after his second forced return from Thailand in 2011, and of Wuthipong Kachathamakul (also known as Ko Tee), an exiled Thai activist who was abducted by unknown armed men in Vientiane on 29 July 2017.

11. Please report on the regulations governing the termination of pregnancy and clarify whether voluntary termination of pregnancy is criminalized and, if so, under which circumstances and what are the penalties incurred. Please also provide information on: (a) efforts made to further reduce maternal mortality, including measures to ensure effective access to adequate prenatal and obstetric care; and (b) measures taken to address the high rate of teenage pregnancy and to ensure country-wide access to adequate sexual and reproductive health education and services.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment and treatment of persons deprived of their liberty (arts. 7, 9 and 10)

12. Please indicate whether criminal legislation has been amended with a view to defining and criminalizing the offence of torture in line with the Covenant and other

international standards. Please respond to reports of torture and ill-treatment of inmates in prisons, including locking their legs in wooden stocks for long periods, beatings and burning their body parts with cigarettes, and in Somsanga and other drug detention centres. Please provide: (a) information on measures taken to ensure that all allegations of torture and ill-treatment are promptly and thoroughly investigated by an independent mechanism, that perpetrators are prosecuted and punished accordingly and that victims are provided with full reparation; and (b) relevant statistics on the number of reported cases of torture and ill-treatment, investigations, prosecutions of prison officials and convictions secured.

13. Please provide current data on the total prison population and the official prison capacity, disaggregated by facility. Please report on the measures taken to address overcrowding and to improve conditions of detention in some prisons, including with regard to inadequate food and medical care provided to prisoners; and the use of prolonged solitary confinement. Please provide data on deaths in custody indicating the cause of death and the investigations conducted and their outcome, including in the case of the student leader Khamphouvieng Sisa-at who died in Samkhe Prison in September 2001. Please clarify whether: (a) an independent mechanism has been established to regularly monitor and inspect all places of detention; and (b) monitoring of conditions of detention by independent organizations is permitted.

Liberty and security of person and the right to a fair trial (arts. 2, 9 and 14)

14. Please indicate the maximum period of detention provided for by law before a person arrested or detained on a criminal charge is brought before a judge or other officer authorized by law to exercise judicial power. In that respect, please also clarify the powers of the public prosecutor with regard to authorizing and extending remand in custody, including for juveniles, and their compatibility with article 9 (3) of the Covenant. Please report on non-custodial alternative measures to pretrial detention provided for by law and on their use in practice, including relevant statistics. Please explain how habeas corpus (the lawfulness of the detention) proceedings before the Office of the Prosecutor General, rather than before a court, satisfy the requirements of article 9 (4) of the Covenant.

15. Please respond to reports of: (a) continued detention of some prisoners upon completion of their sentences for inability to pay court fines or the "exit tax"; (b) arbitrary arrests and detention, including incommunicado detention and prolonged pretrial detention with no access to counsel, particularly against activists and government opponents, and detention without charges; and (c) arbitrary arrest and detention of persons who use drugs, beggars, homeless people, street children and persons with mental disabilities.

16. Please respond to reports that some prisoners were held in Phonethanh Prison in Vientiane for years without access to counsel or without being tried. Please report on the measures taken to address the lack of qualified lawyers; to ensure that all persons deprived of their liberty have, in practice, prompt access to a lawyer from the very outset of their detention; and to provide free legal aid in cases where the interests of justice so require.

17. Please report on the steps taken to encourage referral of legal disputes to the formal justice system and to ensure that village mediation units function in a manner consistent with the Covenant. Please respond to the following concerns and provide information on the steps taken to address them: (a) susceptibility of the judiciary to influence from the ruling party and the problem of corruption in the judiciary; (b) most judges have only basic legal training; (c) accused persons have no legal right to be informed promptly and in detail of the charges against them nor to examine evidence held by the Government; (d) presumption of innocence is violated in practice; (e) the lack of the legal right to adequate time and facilities for the preparation of a defence; (f) the defence counsel has only a passive role during trials; (g) access to interpretation during legal proceedings may be limited by the defendant's ability to pay court fees; and (h) the judicial decisions of the People's Supreme Court are occasionally subject to revision by the Legal Affairs Committee of the National Assembly.

Freedom of conscience and religious belief (arts. 2, 18 and 26)

18. In reference to paragraphs 119–122 of the State party's report (CCPR/C/LAO/1), please provide further information on the regulation of religious practice and activities under Decree No. 315 of 16 August 2016 on Management and Protection Religious Activities, including on registration of religious organizations, the conduct of religious activities and the publication and importation of religious materials. Please respond to reports of persecution and discrimination targeting Christians, including arbitrary arrests, attempts, including by family, to force Christians to abandon their faith under threat of eviction from homes, and the surveillance and intimidation of individuals suspected of proselytizing. Please indicate whether measures have been taken to adopt legislation recognizing the right to conscientious objection to military service and to introduce an alternative civilian service for conscientious objectors.

Freedom of expression and peaceful assembly (arts. 2, 19 and 21)

19. Please respond to concerns that vague and broadly worded law provisions unduly restrict freedom of expression and explain how legal provisions and practices such as the following are compatible with the State party's obligations under article 19 of the Covenant: (a) criminalization of defamation, libel and insult (arts. 94–95 of the Criminal Code) and "slandering the Lao People's Democratic Republic, or distorting the guidelines of the party and policies of the Government, or circulating false rumours causing disorder" detrimental to or for the purpose of weakening the State (art. 65 of the Criminal Code); (b) Decree No. 327 adopted on 16 September 2014 criminalizing online criticism of the Government and the Lao People's Revolutionary Party or circulating false information online; and (c) State control over the media and the restrictions introduced by the amended Media Law of 2008 and the Decree of November 2015 restricting the press activities of international media and other bodies and requiring, inter alia, submission of materials for governmental approval before publication; and censorship and sanctions for publication content that do not meet governmental approval.

20. Please respond to the reports of arbitrary arrest, detention, trial and imprisonment without due process of activists and other individuals for expressing political opposition and critical opinions about State authorities and policies, including through the Internet, such as in the case of Bounthanh Thammavong, who was arrested in 2015 and sentenced to imprisonment for a Facebook post and an article critical of the Government, which he had published in 1997; and in the case of Somphone Phimmasone, Lodkham Thammavong and Soukan Chaithad, who were arrested in March 2016 for posting criticism of the Government on the Internet and for participating in a peaceful demonstration in Bankok against the Government of the Lao People's Democratic Republic, and detained incommunicado for at least six months, denied legal representation and sentenced to harsh prison sentences.

21. Please comment on the application of article 72 of the Criminal Code to curtail freedom of assembly, and explain how that provision is compatible with the State party's obligations under the Covenant.

Freedom of association (art. 22)

22. Please provide information on the steps taken to revise regulations and practices that restrict freedom of association, including the lengthy and burdensome registration process for associations. Please respond to reports that associations other than those supported or endorsed by the Lao People's Revolutionary Party are prohibited. Please comment on concerns that: (a) the proposed amendments to the Decree on Associations of 2009 could place further restrictions on the establishment and operation of associations, including by limiting the scope of their activities to specific fields not including human rights; and (b) the decree on guidelines for international non-governmental organizations require approval for their activities and compromise their independence from the Government.

Participation in public affairs (arts. 25–26)

23. Please report on the measures taken to: (a) encourage and promote political pluralism; (b) ensure free and genuine elections; and (c) ensure that the right of citizens to stand for election is not made conditional on approval from the Lao People's Revolutionary Party or on political affiliation with the party. Please also clarify whether all persons serving prison sentences have their right to vote and to be elected suspended.

Rights of minorities (art. 27)

24. Please respond to reports that land concessions for development projects and the construction of hydropower dams have resulted in the forced relocation of a number of ethnic minority communities — in many cases without prior consultation or provision of adequate compensation — that has had a negative impact on their livelihood and lifestyle. Please also report on the measures taken to end the persecution of the Hmong ethnic minority group and address the allegations of detention and enforced disappearance of Hmong men who surrendered to authorities since 2005, and the malnutrition and lack of access to health care for Hmong communities.

Dissemination of information relating to the Covenant (art. 2)

25. Please indicate what measures have been taken to disseminate information on the Covenant, the initial report of the State party and its forthcoming examination by the Committee. Please provide detailed information on the involvement of representatives of ethnic and minority groups, civil society and non-governmental organizations in the preparation of the report.